

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Matthew Issacs, et al,

Plaintiffs,

vs

Case No: 07-14493  
Honorable Victoria A. Roberts

Ultra Aluminum Manufacturing, et al,

Defendants.

CONSOLIDATED WITH

Radiance Fence, Inc., et al,

Plaintiffs,

vs

Case No: 08-11577  
Honorable Victoria A. Roberts

Ultra Aluminum Manufacturing, et al,

Defendants.

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**ORDER**

Counsel requested a telephone status conference to discuss outstanding discovery issues. They submitted a joint letter outlining the issues on June 18, 2008.

The Court held the conference on Friday, June 21, 2008. Attending were Gerard Mantese and Brendan Frey representing the Plaintiffs and Robert Duty and Michael Blalock representing the Defendants.

Based on the discussion held, the following is ordered: references are to the headings used in the parties' joint submission:

**1. Plaintiff's Request to Produce 4**

Defendants will not be required to produce Mr. Springborn's personnel file. They are required to produce a job description, and discipline or reprimand that is part of his record, and any corporate documents which give him authority to act.

**2. Requests to Produce 6 and 7**

This request is denied with respect to Defendant Brookside. Defendant Ultra is to produce any minutes or resolutions that discuss any of the Plaintiffs, cybersquatting, and any customers or potential customers of Plaintiffs, if these potential customers are discussed in conjunction with a discussion of the Plaintiffs.

**3. Request to Produce 12**

Plaintiff says this is withdrawn.

**4. Request to Produce 16:**

Plaintiffs and Defendants both have Lanham Act claims against the other. Accordingly, each side is to produce for the other, documents evidencing gross revenues or profits earned from September 4, 2007 to the present, including through the date of trial as the documents become available.

**5. Interrogatory 2**

Plaintiffs are to confirm in writing, that they had no income 2007 - 2008.

**6. Requests to Produce 3, 6, 27, 32, 33, 34, 35, 37, 38, 43, 45, 46, 49, 52, 17, 18, 36, 39, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 36, 40, 41 and 44:**

Plaintiffs must identify and produce the specific documents that they rely upon to support various allegations of their complaint. To the extent documents were produced in prior litigation, specific identity of the documents is sufficient.

7. Defendants have noticed the FRCP 30(b)(6) deposition of Plaintiffs' representative. The representative is not required to produce documents which reveal marketing plans and strategies. During the course of the deposition, if questions are asked that Plaintiffs believe request information that is proprietary, Plaintiffs must preserve their objections for consideration by the Court. If the Court is available, the parties may seek a ruling while the deposition is ongoing.

The discovery cutoff date is extended to August 8, 2008. The settlement conference scheduled to occur before Magistrate Judge Majzoub is cancelled; a new date will be established by Magistrate Judge Majzoub.

**IT IS ORDERED.**

/s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: June 24, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 24, 2008.

s/Linda Vertriest  
Deputy Clerk